

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

Index Number: CV-042539-11/BX

SUBPOENA TO TESTIFY

Requested by:

Millington Rosemary

532 Morris Park Avenue

Apt 2

Bronx, New York 10460

THE PEOPLE OF THE STATE OF NEW YORK

To: Mabel Garcia

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at 851 Grand Concourse, Bronx, New York 10451 September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding ONE HUNDRED FIFTY DOLLARS (\$150.00) and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: July 22, 2013

Carol Alt

CHIEF CLERK

Carol Alt
Chief Clerk

If required, So Ordered:

Eddie J. McShan 7/24/13

Judge of the Civil Court of the City of New York

HON. EDDIE J. McSHAN

CIVIL COURT

2013 JUL 24 PM 2:22

10/29/13 Ret. Rec. In

movant picked up so-ordered
subpoena 7/24/2013

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA AFFIDAVIT

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☒ Person ☐ Records
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: _____

Mabel Garcia
532 Morris Park Ave
BX NY 10460

this person/records are needed because:

She has to testify
that I paid her to evict a
tenant in 2007 and that I
did not hire Novick, Edelstein as
indicated, that I was not
not represent by Novick at any
time.

Date: _____

JUL 22 2013


Millington Rosemary.

Please fill out and return to the court for a Judge to review.

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

SUBPOENA AFFIDAVIT

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

July 16, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☐ Person ☐ Records
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: Marble Garcia

this person/records are needed because:

She has to testify
before the Judge regarding the
the case between Novick Edelstein
and Rosemary Millington that as a
lawyer she was paid for an eviction
on 12007 which she did not carry
out, an other lawyer had to do the
eviction few years later NOVICK came after Rosemary
Millington for that money, which Millington never hired.

Date:

6-10-13

Millington Rosemary.

Please fill out and return to the court for a Judge to review.

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA TO TESTIFY

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

THE PEOPLE OF THE STATE OF NEW YORK

To: **MABEL GARCIA**

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at **851 Grand Concourse, Bronx, New York 10451 July 16, 2013** in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: June 4, 2013

Carol Alt
Chief Clerk

JUN 04 2013

If required, So Ordered:

Judge of the Civil Court of the City of New York

HON. ELIZABETH A. TAYLOR

Declined to sign.

*Mouant has failed to attach to initial
for her requiring a person to testify*

A
HON. ELIZABETH A. TAYLOR

*8/2/13
Ret. Elizabeth*

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA AFFIDAVIT

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

July 16, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☒ Person ☐ Records
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: MEBEL GARCIA

this person/records are needed because:

She has to show proof
that I hired her to evict my former
tenant Lenell Brown and not
NOVICK, Edelstein P.C., and that
I paid her \$900.00 for the eviction
which she never carried out.

Date:

6/4/13

Millington Rosemary.

Please fill out and return to the court for a Judge to review.

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA TO TESTIFY

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

THE PEOPLE OF THE STATE OF NEW YORK

To: Mabel Garcia

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at **851 Grand Concourse, Bronx, New York 10451** **September 25, 2013** in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of **Millington Rosemary**.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: July 16, 2013

Carol Alt
Chief Clerk

If required, So Ordered:

Judge of the Civil Court of the City of New York

Declined
w/lt
pretrial
what will
ms. Rosemary
testify about
exactly?

7/16/13
[Signature]

HON. GERALD LEBOVITS

9/11/13 Ret. Rec. fm.

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA AFFIDAVIT

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, New York 10460

September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☒ Person ☐ Records
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: Mabel Garcia
532 Morris Park Ave
BX NY 10460

this person/records are needed because:

She is the
person to testify and to prove
that she was hired and paid
by Rosemary Millington to edit a
format in 2007 and not Novick
Edelstein.

Date:

7/16/13

Millington Rosemary.

Please fill out and return to the court for a Judge to review.

City of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index No: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

AFFIDAVIT OF SERVICE
of a Subpoena to Testify

-against-
Millington Rosemary

Defendant(s)

State of New York, County of _____ ss.:

_____, being duly sworn, deposes and says:

(Name of Person serving papers)

I am over the age of 18 and not a party to this action.

At _____, on _____, I served a Subpoena in this matter on:
(Time) (Date)

_____, whom I know to be the person named in this
(Name of Witness)

subpoena by delivering and leaving with him/her personally a true copy of it and paying him/her the sum
of \$ _____ for one day's attendance and fees for traveling to the place where he/she was required by the
Subpoena to attend, if required:

Description of Individual Served in Person

Gender: _____ Color of Skin: _____ Color of Hair: _____
Approximate Age: _____ Approximate Weight: _____ Approximate Height: _____

Signature of Server
(Must be signed before Notary or Court Employee)

Sworn to before me on _____, 20____.

(Signature of Notary Public or Court Employee)

General Instructions

Anyone NOT A PARTY to the action who is over the age of 18 may serve the subpoena

1. Find the person to be served (the witness)
2. Give that person a copy of the Subpoena and witness fee.
3. Give all the affidavits of service to the person on whose behalf this subpoena was served for further proceedings in case the witness does not comply with the subpoena.

INSTRUCTIONS FOR SERVICE OF A SUBPOENA TO TESTIFY

RESTRICTIONS:

A Civil subpoena issued from the Civil Court of the City of New York County Of Bronx may be served anywhere within the city, county or a neighboring county. Service elsewhere within the State of New York may be done only with written permission of a Judge.

An agency of the city, county, or state government, or a public library, may only be subpoenaed with the written permission of a Judge.

PROCEDURES:

1. Make one photocopy of the Subpoena For Records if you are going to personally serve the individual. If you need to mail the document, you will need another copy. **You should make a copy of all completed papers and Affidavit of Service.**
2. Anyone NOT A PARTY TO THE ACTION who is over the age of 18 may "serve" the Subpoena To Testify.
3. *A Subpoena To Testify may not simply be mailed. The subpoena may be served as follows:*
 - a. By finding the person to be served and handing the subpoena to that person.
 - b. By serving another person old enough to understand, at the home or business of the person intended to be served. The person serving the papers must also mail an additional copy of the subpoena, to the last known address or place of business of the person to be served. The envelope should be marked "Personal and Confidential".
4. After the papers are "served", the person who served the papers must complete an Affidavit of Service, which is provided. The caption of the case, index number, and type of paper to be served has already been completed.
 - a. Write the name of the county where the affidavit will be signed and sworn to.
 - b. Write the name of the person who served the papers.
 - c. Write the time and date on which the papers were served.
 - d. Write the name of the person being served.
 - e. If the papers were handed to the person, place a check mark in the box that indicates "actual person to be served."
 - f. If the papers were handed to another person, place a check mark in the box that indicates "person of suitable age and discretion" (which means old enough to understand).
 - g. If the papers were handed to an authorized person of a business or entity, write the name of that person and the name of the business or entity.
 - h. Write the location of where the person was served.
 - i. Write the address of where the person lives.
 - j. If the person was personally served, place a check mark in the box that indicates "by personal delivery" and complete the description of the person.
 - k. If the person was served by mail, place a check mark in the box that indicates "mail (check all that apply)" and indicate the type of mailing and write the mailing number provided by the post office.
5. The person who served the papers must sign the Affidavit of Service in the presence of the notary or court employee. The notary or court employee will complete the date and sign his/her name.

NOTE: This form must be notarized! Leave the rest of the form blank until the person who served the papers is in the presence of a notary public or court employee.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

-against-

MILLINGTON ROSEMARY,

Defendant(s).

-----X

INDEX NO. 42539/11
FILE NO. 14033

NOTICE OF ENTRY

PLEASE TAKE NOTICE, that annexed hereto is the Decision and Order duly

Entered in the office of the Clerk of the Court on the 21st day of September, 2011

Dated: Westchester, NY
September 23, 2011

Yours, etc.,

Kavulich & Associates, PC
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573

To: Millington Rosemary
532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

FILED CIVIL COURT
-BRONX COUNTY

2011 OCT -3 AM 9:52

Civil Court of the City of New York
County of BRONX

Motion Cal. # _____ Motion Seq. # _____

Part 34 No. 111

File # 14033

NOVICK EDELSTEIN

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers

considered in the review of this Motion

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

MULINGTON ROSEMARY

Pls Defendant(s)/Respondent(s)

Papers

Numbered

Notice of Motion and Affidavits Annexed.....
Order to Show Cause and Affidavits Annexed.....
Answering Affidavits
Replying Affidavits.....
Exhibits
Other.....

Upon the foregoing cited papers, the Decision/Order on this Motion to FOR DEFAULT

JUDGMENT.

is as follows:

Plaintiffs motion is granted upon Defendants default.

Plaintiff is awarded a judgment in the amount of \$ 1,475⁰⁰ plus costs, Fees, disbursements & interest from January 31, 2007.

The clerk of THE COURT is directed to enter judgment in said amount.

Plaintiff shall file & serve upon Defendant a copy of THIS Decision & notice of its entry by certified MAIL RET RECD within 30 days of this Decision.

THIS constitutes the Decision & Order of THE

COURT	Civil Court of the City of New York
9/21/11	SEP 21 2011
Date	ENTERED BRONX COUNTY

Judge, Civil Court

HON. FERNANDO TABERA

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Index No. 42539/11
File No. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,
Plaintiff,

AFFIDAVIT OF SERVICE
BY MAIL

-against-

MILLINGTON ROSEMARY,

Defendant.
-----X

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss:

Denise Miranda being duly sworn, deposes and says:

I am over 18 years of age and not a party to this action. On September 23, 2011

I served the within Notice of Entry on the defendant in this action, by depositing
a true copy of the Notice of Entry in a postpaid envelope addressed to:

Millington Rosemary
532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

in an official depository under the exclusive care and custody of the United States Postal Service,
within the State of New York via Certified mail no. 91 7199 9991 7030 5893 2483, return receipt
requested.

Sworn to before me
this 23rd day of September, 2011

Notary Public


Denise Miranda

GARY KAVULICH
NOTARY PUBLIC-STATE OF NEW YORK
NO: 02KA6205615
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 5/11/2013

NOTICE OF ENTRY

PLEASE take notice that the within is a
(certified) true copy of a
duly entered in the office of the clerk of
the within named court on

Dated,

Attorney for
Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order
of which the within is a true copy will be presented
for settlement to the Hon.
one of the judges of the within named Court, at

on
at
Dated,

Yours, etc.

Attorney for
Office and Post Office Address

To
Attorney(s) for

INDEX NO. 42539

YEAR 2011

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,
Plaintiff,

-against-

MILLINGTON ROSEMARY.

Defendant(s).

NOTICE OF ENTRY

Signature(Rule 150.11-2)

Gary Kavulich, Esq.

Kavulich & Associates, P.C.
Attorney for Plaintiff
Office and Post Office Address, Telephone
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573
914-355-2074

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
Dated

Attorney(s) for

Civil Court of the City of New York

County of BRONXPart 34, No. 11

NOVICK EDELSTEIN

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

Mullington Rosemary

vs Defendant(s)/Respondent(s)

Index Number 42539/11

Motion Cal. # _____ Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers

considered in the review of this Motion:

File #
14033

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to FOR DEFAULT

judgment.

is as follows:

Plaintiff's motion is granted upon Defendant's default.

Plaintiff is awarded a judgment in the amount of \$1,475⁰⁰ plus costs, Fees, disbursements & interest from January 31, 2007.

The clerk of THE COURT is directed to enter judgment in said amount.

Plaintiff shall file & serve upon Defendant a copy of THIS Decision & notice of its entry by CERTIFIED MAIL, RETURNED WITHIN 30 days of this Decision.

THIS constitutes the Decision & Order of THE

COURT

Civil Court of the City of New York	
Date	SEP 21 2011
ENTERED	
BRONX COUNTY	

Judge, Civil Court

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONXIndex No. 42539/11
Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 14033

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL P.C.,

vs.

MILLINGTON ROSEMARY,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On July 1, 2011 at 12:12p.m.

At: C/O 532 Morris Park Avenue, Apt. 2, Bronx, NY 10460 served the within Summons and Complaint on: MILLINGTON ROSEMARY, Defendant therein named

Individual By delivering a true copy of each to said recipient; deponent knew the person
[] served to be the person described as said person therein.Corporation By delivering to and leaving with _____ and that deponent knew the
[] person so served and authorized to accept service on behalf of the CorporationSuitable Age By delivering a true copy of each to a person of suitable age and discretion
Person Said premises is recipients [X] actual place of business [] dwelling house within the
[X] state.Affixing By affixing a true copy of each to the door of said premises, which is recipients
to Door [] actual place of business [] dwelling house (place of abode) within the state
[]Mail Copy On July 2, 2011 deponent completed service under the last two sections by
[X] depositing a copy of the Summons and Complaint to the above address in a 1st
Class properly addressed envelope marked "Personal and Confidential" in an official
depository under the exclusive care and custody of the United States Post Office in the State
of New York.Deponent was unable, with due diligence to find the recipient or a person of suitable age
and discretion having called thereat:On the day of at
On the day of at
On the day of at

Description A description of the Defendant, or other person served on behalf of the Defendant

[] Sex: M Color of skin: BLK Color of Hair: BLK Age: 45-50 Height: 5'10" Weight: 220LBS

Military Svce Deponent asked person spoken to whether the recipient was presently in military
[X] service of the United States Government or of the State of New York and was

informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other

[X] "John Doe" stated that the Defendant is not in the military.

Sworn to before me on this 7-11 day of 7-11

Aston G. Evans II
LIC# 1220069

CIVIL COURT OF THE CITY OF NEW YORK NO CALENDAR NUMBER ASSIGNED
COUNTY OF BRONX: PART 34 INDEX NO. 42539/11
-----X FILE NO. 14033

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

NOTICE OF MOTION

- against -

no CLH.?

MILLINGTON ROSEMARY,

Defendant.
-----X

MOTION BY:

Kavulich & Associates, P.C.
Attorneys for Plaintiff

FILED
IN
CIVIL COURT
COUNTY OF
BRONX

2011 SEP 15 11:10:19

DATE, TIME AND PLACE
OF HEARING:

September 21, 2011
9:30 A.M.
Motion Term: Part 34, Room 503
Civil Court of the City of New York
County of Bronx
851 Grand Concourse
Bronx, NY 10451

SUPPORTING PAPERS:

Affirmation of Gary M. Kavulich, Esq.,
dated August 24, 2011, affidavit of Charles
Wasserman, principal of the Plaintiff, and
upon all the papers and proceedings
heretofore and herein.

RELIEF REQUESTED:

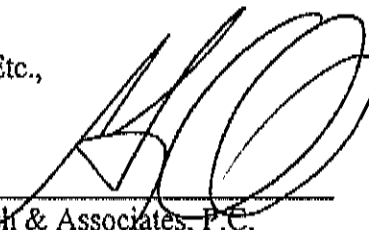
Order: Awarding Plaintiff a default
judgment for \$1,475.00 plus interest from

*M6 D
[-12:16pm.]*

January 31, 2007, based upon the Defendant's failure to answer the summons and complaint, and for such other and further relief as to this Court may seem just and proper.

Dated: Port Chester, New York
August 24, 2011

Yours Etc.,



Kavulich & Associates, P.C.
By: Gary M. Kavulich, Esq.,
181 Westchester Ave., Suite 500-C
Port Chester, NY 10801
(914)355-2074

To: Millington Rosemary
46 532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

INDEX NO. 42539/11

FILE NO. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

AFFIRMATION

- against -

MILLINGTON ROSEMARY,

Defendant.

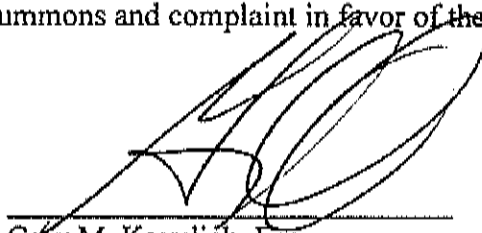
-----X

Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

1. I am a member of the law firm of Kavulich & Associates, P.C., attorneys for the Plaintiff, herein. As such, I am fully familiar with the facts and circumstances of the within proceeding, except as to those matters stated to be based upon information and belief, and as to those matters I believe them to be true. The basis of my belief is information furnished to me by my client, information contained within the Court's file, and information contained within the file as maintained by your affirmant's office.
2. I make this affirmation which seeks an Order awarding the Plaintiff a default judgment for \$1,475.00 plus interest from January 31, 2007 based upon the Defendant's failure to file an answer to the summons and complaint.
3. The within proceeding was commenced by the Plaintiff against the Defendant to recover damages for legal services provided by the Plaintiff in the sum of \$1,475.00. Please see a copy of Plaintiff's client account ledger annexed hereto as Exhibit "1."
4. Legal services provided by the Plaintiff included but was not limited a Holdover. Please see aforementioned Exhibit "1."
5. The Defendant was served on or about July 2, 2011. Please see a copy of the summons and complaint annexed hereto as Exhibit "2." Please see a copy of the affidavit of service of said summons and complaint annexed hereto as Exhibit "3."

6. Now more than 30 (thirty) days have elapsed since the summons and complaint was served upon the Defendant, and the Defendant has failed to answer to said summons and complaint.
7. To date, the Defendant owes the Plaintiff \$1,475.00 in damages due to the legal services provided by the Plaintiff. Please see the affidavit of Charles Wasserman annexed hereto as Exhibit "4."
8. The Plaintiff's billing for said legal services is clearly reasonable. Please see aforementioned client account ledger annexed hereto as Exhibit "1."
9. As the Defendant has not answered the summons and complaint, your affirmant respectfully requests that this Honorable Court enter a default judgment for the sum sought in the summons and complaint in favor of the Plaintiff against the Defendant.

Dated: Port Chester, New York
August 24, 2011



Gary M. Kavulich, Esq.,

1

EXHIBIT 1

NOVICK, EDELSTEIN, LUBELL,
Open Receivables Aging Detail by Client
Aged from Due Date, for Client MG06

Date	Invoice #	Amount	0-30	31-60	61-90	91-120	Over 120	Open Balance	Last Payment	Credits
	Inv.Type/Description	Action	Date	Case ID	Index	Tenant				
Customer: MG06 MABEL GARCIA Contact:										
Terms: Due Upon Receipt Phone: 718/679-8772										
Building: 01 MISCELLANEOUS Premises: 632 MORRIS PARK AVENUE										
5/05/2006	_RECEIPT	-60.00	Check # 1027					0.00	05/05/2006	
	Cash-Legal Fee	11								-60.00
Building Totals:										-60.00
Building: 02 MABEL GARCIA Premises: 1706 ANTHONY AVENUE										
1/18/2007	702141	175.00					175.00	175.00		
	Court Appearance	01/18/2007	N942136	000486/07	ANGELA ROBINSON					0.00
2/14/2007	707160	100.00					100.00	100.00		
	Court Appearance	02/14/2007	N942136	000486/07	ANGELA ROBINSON					0.00
3/07/2007	710304	100.00					100.00	100.00		
	Court Appearance	03/07/2007	N942136	000486/07	ANGELA ROBINSON					0.00
4/11/2007	715365	100.00					100.00	100.00		
	Court Appearance	04/11/2007	N942136	000486/07	ANGELA ROBINSON					0.00
5/01/2007	718445	100.00					100.00	100.00		
	Court Appearance	05/01/2007	N942136	000486/07	ANGELA ROBINSON					0.00
Building Totals:										575.00
Building: 03 MILLINGTON ROSEMARY Premises: 1683 WATSON AVENUE										
1/31/2007	704781	150.00					150.00	150.00		
	Holdover	01/31/2007	H001907	004342/07	JENNELL BROWN					0.00
2/21/2007	707931	150.00					150.00	150.00		
	Court Appearance	02/21/2007	H001907	004342/07	JENNELL BROWN					0.00
3/22/2007	712678	150.00					150.00	150.00		
	Court Appearance	03/22/2007	H001907	004342/07	JENNELL BROWN					0.00
4/19/2007	718578	150.00					150.00	150.00		
	Court Appearance	04/19/2007	H001907	004342/07	JENNELL BROWN					0.00
5/09/2007	719923	150.00					150.00	150.00		
	Court Appearance	05/09/2007	H001907	004342/07	JENNELL BROWN					0.00
5/30/2007	722940	150.00					150.00	150.00		
	Court Appearance	05/30/2007	H001907	004342/07	JENNELL BROWN					0.00
Building Totals:										900.00
Customer Totals:										1475.00
								1475.00		-60.00

 **
 ** FPMI KEY FROM-RO BY USER-ANA 12/03/10 10:11:00
 **

CASE LOG INQUIRY Today's Date 12/03/10
 CSE H001907 IND 004342 / 07 R/C E DAT 20107 FUR PRI
 ACC M80693 TEL 718 679-6772 FRI 53007 PAR E TEN
 CLI MABEL GARCIA BKI JUR HWL MUT
 532 MORRIS PARK AVENUE APT 2 RPT
 BRONX, NY 10460 TEN JENNELL BROWN ARR
 LLD MILLINGTON ROSEMARY UNY
 PRM 1693 WATSON AVENUE CTY B FUT
 HOC HOY HOP CSV TSV PRS
 HML WOR WIS WKO RMS
 HOR EVS EVC HAE BIL P
 CTA 0131 0221 0322 0419 0509 0530 BHM TO
 ...
 DSP 53007 TYP ATT
 TKL

***** CLIENT 718-679-6772 718-589-9369
 1/31/07 -E- ROOM 420 @ 9:30---CASE ADJ TO 2/21/07 @ 9:30AM FOR RESP TO
 OBTAIN ATTY. PER STIP 1SE (LM 2/6)
 RECD NOTICE OF APPEARANCE FROM RESP ATTY. THE LEGAL AID SOCIETY JUSTIN
 HAINES 953 S. BLVD, SUITE 401 BRONX NEW YORK 10459 718 991-8738 EXT. 230
 2/21/07 -C- CASE ADJ TO 3/22/07 PER IL CAL (LM)
 Hst ENTER Next Page. CMD7 End of Job. CMD8 Previous Page CMD12 Next Inquiry

 11
 AB PRINT KEY FROM-RO BY ROSE-ANG 12/03/10 10 31.00
 46

CASE LOG INQUIRY Today's date 12/03/10
 USE H001907 JLD 004342 / 07 R/C R DAY 20107 PUP PRT
 ACC M00603 TEL 718 679-6772 TRI 50007 PAR E IDR
 CLI MAEEL GARCIA DKT JUR NME NOT
 532 MORRIS PARK AVENUE APT 2 RNT
 TEN JENNEL BROWN ARR
 BRONX, NY 10460 TN2
 LLD MILLINGTON ROSEMARY UNY
 FRN 1693 WATSON AVENUE CTY B FUT
 HOC ROT HOP CON ISQ PRS
 NHL WDR WIS WNO RPS
 EOR EUS EVC MAR RPL P
 CIA 0131 0021 0022 0419 0509 0530 BSM TO
 -
 HRF 50007 TYP ATT
 TKL

3/22/07 -E- RESP ALLEGES THAT PROPERTY IS NO LONGER OWNED BY PET. ALSO AT
 ISSUE RESP IS AN ESP TENANT AND PET. DID NOT PLEASE RESP STATUS OF TENANCY
 NOR IS THERE PROOF OF NOTIFICATION CASE ADJ FOR RESP TO DO MOTION TO DISMISS
 AMEND ANSWER AND PET TO PRODUCE PROOF OF OWNERSHIP, CASE ADJ TO 4/19/07
 A/D TO BE ARRANGED, PER STIP ISE (LN 3/27)
 4/19/07 -E- CASE ADJ TO 5/9/07 FOR RESP TO SERVE MOTION TO DISMISS/AMEND
 Hit ENTER Next Page. CMD7 End of Job. CMD8 Previous Page CMD12 Next Inquiry

PRINT KEY FROM-RO

BT US-CA-14

12/03/10

10.53.00

CASE LOG INQUIRY

Today's date 12/03/10

GSE H001907 IND 004342 / 07 R/C F DAT 20107 PUR PRI
 ACC M00603 TEL 718 679-6772 FRI 33007 PAR E TBR
 CLI NABEL GASKIN ORI JUR NWI MUI
 502 MORRIS PARK AVENUE APT 2 RMT
 BRONX, NY 10460 TEN JENNEL BROWN ARR
 LLE HILLINGTON ROSEMARY UNT
 FRM 1693 WATSON AVENUE CTY B FUT
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 HML NOR WIS WND RGS
 EGR EVC EVC HAR BIL P
 CIA 0131 0221 0332 0419 0509 0530 9.16 TO
 DSP 33007 TYP ATT
 TEL

ANSWER AND FOR PET. TO PRODUCE PROOF OF CURRENT POSSESSORY INTEREST
 AND ABILITY TO TRANSFER THE INTEREST TO OWNER PER STIP PCL (LM 4/20)
 5/9/07 -L- CASE ADJ TO 5/30/07 @ 9:30 ; OFF. PAPERS DUE BY 5/28 REPLY AT
 ANY DUE BY 5/30 FAX. IS O.K., PET. ATTY. TO ENQUIRE WITH PET. REGARDING DISC
 , PER STIP ISE (LM 5/11)
 RECD 5/9 NOTION FROM RESP ATTY. ON 5/11 RESP ATTY. JUSTIN HAINES
 HIT ENTER Next Page. CMD7 End of Job. CMD8 Previous Page CM012 Hxat Inquiry

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 ** PRINT KEY FROM-RO BY USER-AMM 12/03/10 10.51.08
 **

CASE LOG INQUIRY Today's date 12/03/10
 USE HQ01907 IND 004042 / 07 R/L A BAI 20107 PUA ITT
 ACC MB0603 TEL 718 679-6772 TRI 33007 PAR E IGR
 CLI MABEL GARCIA DRI JUP MUI MOT
 332 MORRIS PARK AVENUE APT 2 TEN JENNELE BROWN RNT
 BRONX, NY 10460 INC ORR
 LLD HILLINGTON ROSENBERG JRT
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 EOE EYS LVC NGR BIL P
 CTA 0131 0221 0322 0419 0509 0530 BLM TD
 -
 DSP 33007 TIP ATT
 TKL

THE LEGAL AID SOCIETY 933 S. BLVD. SUITE 402 BRONX NEW YORK, 10459
 718-991-4750 EXT. 249 (LM 5/11)
 5/29/07 SE PER. DISC. THE PROCEEDING ANY J/W ARE VACATED, DISC. W/O
 PREJUDICE PER STIP USE (LM 6/4)

Press Enter Next Inquiry. END? End of Job. ENDS Previous Page.

EXHIBIT 2

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.

Plaintiff,

Index No.
File No. 14033

-against-

MILLINGTON ROSEMARY,

SUMMONS

Defendants.

Place of Venue is designated
as Defendant's Place of
Business whose address is
1693 Watson Avenue
Bronx, New York


-----X
To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the Clerk of the said Court at 851 GRAND CONCOURSE, Bronx, NY 10451 to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on the Plaintiff's attorney within (20) days after the service of this summons, exclusive of the day of service or within 30 days after the service in complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you for the sum of \$1,475.00 with interest thereon from the 31st day of January 2007, together with the costs of this action.

DATED: April 11, 2011

Defendant's Address:

Millington Rosemary
c/o 532 Morris Park Avenue, Apt. 2
Bronx, New York 10460


By: Cheryl-Renee Johnson, Esq.
Attorney for Plaintiff
Kavulich & Associates, P.C.
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573
(914) 355-2074

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from Defendant for professional services rendered in the sum of \$1,475.00 representing legal services performed together with costs and disbursements of this action and for such other and further relief as the court may deem just and proper.

SECOND ACTION: Plaintiff seeks to recover damages from the Defendant for breach of agreement in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just and proper.

THIRD ACTION: Plaintiff seeks to recover damages from the Defendant for unjust enrichment in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

FOURTH ACTION: Plaintiff seeks to recover damages in the amount of \$1,475.00 from the Defendant for account stated as the aforesaid sum has been duly demanded and has gone unpaid, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

FIFTH ACTION: Plaintiff seeks to recover damages from the Defendant in the sum of \$1,475.00 in quantum meruit together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

WHEREFORE: Plaintiff demands judgment (A) on the First Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (B) on the Second Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (C) on the Third Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (D) on the Fourth Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (E) on the Fifth Action in the sum of \$1,475.00, plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

EXHIBIT 3

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Index No. 42539/11

Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 14033

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL P.C.,

vs.

MILLINGTON ROSEMARY,

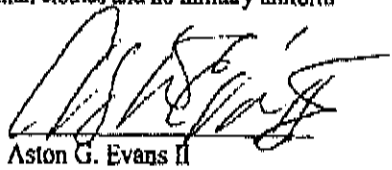
State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age. On July 1, 2011 at 12:12p.m.At: C/O 532 Morris Park Avenue, Apt. 2, Bronx, NY 10460 served the within Summons and Complaint on: MILLINGTON ROSEMARY, Defendant therein namedIndividual ☐ By delivering a true copy of each to said recipient: deponent know the person served to be the person described as said person therein.Corporation ☐ By delivering to and leaving with _____ and that deponent knew the person so served and authorized to accept service on behalf of the CorporationSuitable Age Person ☒ By delivering a true copy of each to a person of suitable age and discretion Said premises is recipients ☒ actual place of business ☐ dwelling house within the state.Affixing to Door ☐ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☐ dwelling house (place of abode) within the stateMail Copy ☒ On July 2, 2011 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

On the _____ day of _____ at _____
On the _____ day of _____ at _____
On the _____ day of _____ at _____

Description A description of the Defendant, or other person served on behalf of the Defendant

☐ Sex: M Color of skin: BLK Color of Hair: BLK Age: 45-50 Height: 5'10" Weight: 220LBSMilitary Svce Deponent asked person spoken to whether the recipient was presently in military ☒ service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniformOther ☒ "John Doe" stated that the Defendant is not in the military.Sworn to before me on this 7 day of 7-11
Aston G. Evans II
LIC# 1220069
Notary Public

County of Bronx

City of New York

Lic. No. 011126042216

Commission Expires June 1, 2017

EXHIBIT 4

CIVIL COURT OF THE CITY OF NEW YORK

COUNTY OF BRONX: PART 34

INDEX NO. 42539/11

FILE NO. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

AFFIDAVIT

- against -

MILLINGTON ROSEMARY,

Defendant.
-----X

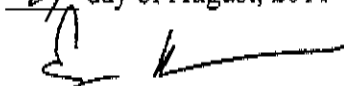
STATE OF NEW YORK)
) SS
COUNTY OF WESTCHESTER)

I, Charles Wasserman, being duly sworn deposes and says:

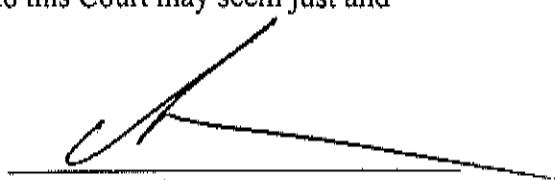
1. I am a member of the Plaintiff, Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., herein, and as such I am fully familiar with the facts and circumstances of this proceeding.
2. The Plaintiff performed legal services on behalf of the Defendant, Millington Rosemary.
3. Said legal services included a Holdover.
4. The Plaintiff duly performed said services to the satisfaction of the Defendant.
5. To date, despite repeated demands, the Defendant has failed to pay for said services; as a result the Defendant's unpaid balance has accumulated to the sum of \$900.00.
6. My attorneys have advised me that the Defendant has failed to file an answer to the summons and complaint.

WHEREFORE, your deponent prays that the relief sought herein is granted in all respects and for such other and further relief as to this Court may seem just and proper.

Sworn to before me this
29 day of August, 2011


Notary Public

EUGENE REISMAN
Notary Public, State of New York
No. 02-4732638
Qualified in Westchester County
Commission Expires Feb. 28, 2015


Charles Wasserman

COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

INDEX NO. 42539/11

FILE NO. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

AFFIRMATION

- against -

MILLINGTON ROSEMARY,

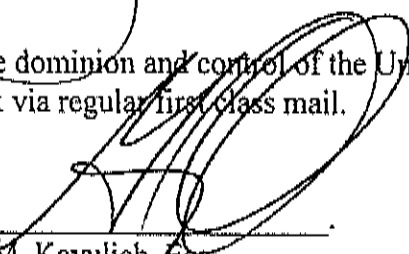
Defendant.
-----X

Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

On September 7, 2011 I served the within Notice of Motion upon Millington Rosemary, the Defendant in this action, by depositing a true copy in a post-paid envelope addressed to:

Millington Rosemary
c/o 532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

in an official depository under the exclusive dominion and control of the United States Postal Service within the State of New York via regular first class mail.



Gary M. Kavulich, Esq.

INDEX NO: 42539

YEAR: 2011

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

- against -

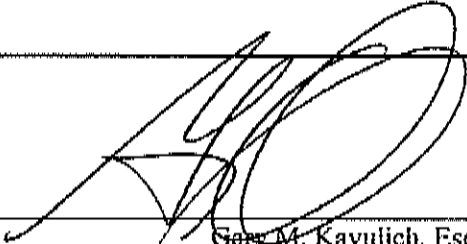
MILLINGTON ROSEMARY,

Defendant.

NOTICE OF MOTION FOR ENTRY OF A DEFAULT JUDGMENT

Signature Rule 130-1.1-a

Print Name Beneath



Gary M. Kavulich, Esq.,

Kavulich & Associates, P.C.
Attorney for Plaintiff
181 Westchester Ave., Suite 500-C
Port Chester, NY 10801
(914)355-2074

CASE SUMMARY

Court: Bronx County Civil Court
 Index Number: CV-042539-11/BX
 Plaintiff(s): Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.

Case Type: Civil
 Classification: General
 Filed Date: 06/20/2011
 vs.

Disposed Date: 10/04/2011
 Disposed Reason: Judgment(1)-Motion Decision
 Defendant(s): Millington Rosemary

Cause(s) of Action: Monies Due in the amount of \$1,475.00

(P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.

Kavulich & Associates PC - 181 Westchester Avenue, Suite 500C, Port Chester, NY 10573-, (914) 355-2074 ext:

(D) Millington Rosemary - 532 Morris Park Avenue, Apt 2, Bronx, NY 10460-

PAPERS RECORDED

06/20/2011 Summons and Complaint (Attorney), Filed By: (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.
 09/15/2011 Motion (General), Seq 1, Court Date(s): 09/21/2011, Judgment - Default, Filed By: (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., Status: Decided, Decision: Granted on Default, Deciding Judge: Fernando Tapia
 10/03/2011 Judgment (Motion Decision), Seq 1, Filed Date: 10/03/2011, Total Judgment: \$2,225.47, Entered Date: 10/04/2011, Status: Vacated (02/26/2013), Creditor(s): (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., Debtor(s): (D) Millington Rosemary, Certificate of Disposition Printable Remarks: Vacated on 02/26/2013 AS PER ORDER SIGNED BY JUDGE PADILLA ON 2/26/13
 02/11/2013 Motion (Order to Show Cause), Seq 2, Court Date(s): 02/26/2013; 02/26/2013, Vacate Judgment, Filed By: (D) Millington Rosemary, Status: Decided, Decision: Granted to Extent per Order, Deciding Judge: Jose A. Padilla
 02/26/2013 Miscellaneous - JUDGMENT VACATED PER ORDER
 02/26/2013 Answer Filed (Self Represented), Filed By: (D) Millington Rosemary

APPEARANCE ACTIVITY

09/21/2011 Part 34 - Procedural Motions - Self Represented Litigant, Judge: Fernando Tapia, Purpose: Motion (1) - Judgment - Default, Outcomes(s): Granted on Default
 02/26/2013 Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Judgment, Outcomes(s): Adjourned: 02/26/2013

This report reflects information recorded as of 05/01/2013 04:23 PM. Users should verify the accuracy of information by consulting original court records or sources. The Unified Court System is not responsible for consequential use of this data.

CV-042539-11/BX (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C. vs. (D) Millington Rosemary

02/26/2013	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Jose A. Padilla, Purpose: Motion (2) - Vacate Judgment, Outcomes(s): Granted to Extent per Order
02/26/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Judgment, Outcomes(s): Rescheduled: 02/26/2013
03/19/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench, Outcomes(s): Adjourned: 04/30/2013
04/30/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench, Outcomes(s): Adjourned: 06/04/2013
06/04/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench

This report reflects information recorded as of 05/01/2013 04:23 PM. Users should verify the accuracy of information by consulting original court records or sources. The Unified Court System is not responsible for consequential use of this data.

Page 2 of 2

Page 36

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

SUBPOENA TO TESTIFY

Plaintiff(s)

Requested by:

-against-
Millington Rosemary

Defendant(s)

Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, NY 10460

June 4, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One ☒ Person ☐ Records
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: _____

MABEL GARCIA

this person/records are needed because:

She is the only
one that can prove that I did
not hire the Law Firm (Novick,
Edelstein) But that I hired her
as an attorney to Evict a tenant
in 2007, so there for I don't owe
this Law Firm any thing that garnishes
my payroll, MABEL GARCIA Has A Law
Firm of her own.

Date:

4/30/13

Millington Rosemary.

Please fill out and return to the court for a Judge to review.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.

42539

Plaintiff,

Index No.

File No. 14033

-against-

SUMMONS

MILLINGTON ROSEMARY,

Place of Venue is designated
as Defendant's Place of
Business whose address is
1693 Watson Avenue
Bronx, New York

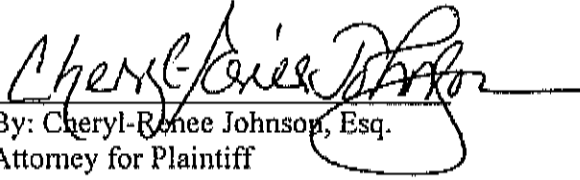
Defendants.

-----X
To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the Clerk of the said Court at 851 GRAND CONCOURSE, Bronx, NY 10451 to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on the Plaintiff's attorney within (20) days after the service of this summons, exclusive of the day of service or within 30 days after the service in complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you for the sum of \$1,475.00 with interest thereon from the 31st day of January 2007, together with the costs of this action.

DATED: April 11, 2011

Defendant's Address:
Millington Rosemary
c/o 532 Morris Park Avenue, Apt. 2
Bronx, New York 10460


By: Cheryl-Renee Johnson, Esq.
Attorney for Plaintiff
Kavulich & Associates, P.C.
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573
(914) 355-2074

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

FEE PAID

JUN 20 2011

**CIVIL COURT
BRONX COUNTY**

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from Defendant for professional services rendered in the sum of \$1,475.00 representing legal services performed together with costs and disbursements of this action and for such other and further relief as the court may deem just and proper.

SECOND ACTION: Plaintiff seeks to recover damages from the Defendant for breach of agreement in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just and proper.

THIRD ACTION: Plaintiff seeks to recover damages from the Defendant for unjust enrichment in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

FOURTH ACTION: Plaintiff seeks to recover damages in the amount of \$1,475.00 from the Defendant for account stated as the aforesaid sum has been duly demanded and has gone unpaid, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

FIFTH ACTION: Plaintiff seeks to recover damages from the Defendant in the sum of \$1,475.00 in quantum meruit together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

WHEREFORE: Plaintiff demands judgment (A) on the First Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (B) on the Second Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (C) on the Third Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (D) on the Fourth Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (E) on the Fifth Action in the sum of \$1,475.00, plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

Bronx County Civil Court
Civil JudgmentPlaintiff(s):
Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.

vs.

Defendant(s):
Millington Rosemary

Index Number: CV-042539-11/BX

Judgment issued: Per Motion Decision

On Motion of:

Kavulich & Associates, P.C.
181 Westchester Avenue, Suite 500C, Port
Chester, NY 10573-

Amount claimed	\$1,475.00	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 01/31/2007 at 9%	\$620.47	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$20.00	Jury Demand Fee	\$0.00		
Total Damages	\$2,095.47	Total Costs & Disbursements	\$130.00	Judgment Total	\$2,225.47

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.
733 Yonkers Avenue, Yonkers, NY 10704-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) Millington Rosemary
532 Morris Park Avenue, Apt 2, Bronx, NY 10460-Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK
in the total amount of \$2,225.47 on 10/04/2011 at 07:54 AM.

 CHIEF CLERK

Judgment sequence 1

Carol Alt, Chief Clerk Civil Court

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

INDEX NO. 42539/11
FILE NO. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

JUDGMENT

PLAINTIFF(S)

-AGAINST-

MILLINGTON ROSEMARY,

DEFENDANT(S)

-----X
AMOUNT AWARDED
INTEREST FROM JANUARY 31, 2007

\$1,475.00
\$ 608.44
\$2,083.44

COSTS BY STATUTE \$20.00
SERVICE OF SUMMONS AND COMPLAINT \$25.00
FILING OF SUMMONS AND COMPLAINT \$45.00
PROSPECTIVE MARSHALL'S FEE \$40.00
NOTICE OF INQUEST \$0.00
TRANSCRIPT & DOCKETING \$0.00

\$ 130.00
TOTAL: \$2,213.44

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT; UPON FAILURE TO ANSWER, THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THAT SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCRUED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX (6) YEARS. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY
SEPTEMBER 23, 2011

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.

JUDGMENT ENTERED ON

SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S) HEREIN HAVING BEEN COMPLETED; DEFENDANT(S) HAS NOT APPEARED AND ANSWERED HEREIN AND PURSUANT TO DECISION/ORDER DATED SEPTEMBER 21, 2011, JUDGMENT IS REQUESTED.

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT PURSUANT TO DECISION/ORDER NOVICK, EDELSTEIN, LUBELL, REISMAN, WASSERMAN & LEVENTHAL, P.C., RESIDING AT: 733 YONKERS AVENUE, YONKERS, NY 10704 RECOVER OF: MILLINGTON ROSEMARY, RESIDING AT: c/o 532 MORRIS PARK AVENUE, APT. 2, BRONX, NY 10460 THE SUM OF \$1,475.00 WITH INTEREST OF \$608.44 MAKING A TOTAL OF \$2,083.44 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$2,213.44 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE.

ME: G
J. M. G.

CLERK

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

INDEX NO. 42539/11

PLAINTIFF(S)

AGAINST

MILLINGTON ROSEMARY.

DEFENDANT(S)

-----X

JUDGMENT

Amount Claimed with Interest	\$2,083.44
Costs and Disbursements	<u>\$ 130.00</u>
Total:	\$2,213.44

KAVULICH & ASSOCIATES, P.C.
ATTORNEY FOR PLAINTIFF
181 WESTCHESTER AVENUE, SUITE 500C
PORT CHESTER, NY 10573
PHONE: 914-355-2074

Civil Court of the City of New York

County of BronxPart 34 No. 11

NOVICH EDELSTEIN

Claimant(s)/Plaintiff(s)/Petitioner(s)
against

MILLINGTON ROSEMARY

vs Defendant(s)/Respondent(s)

Index Number 42537/11

Motion Cal. # _____

Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers
considered in the review of this Motion:

Papers

Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Upon the foregoing cited papers, the Decision/Order on this Motion to FOR DEFAULT

judgment.

is as follows:

Plaintiff's motion is granted upon Defendant's
default.Plaintiff is awarded a judgment in
the amount of \$1,475.00 plus costs, Fees,
disbursements & interest from January 31,
2007.The clerk of the Court is directed to
enter judgment in said amount.Plaintiff shall file & serve upon Defendant
a copy of this Decision & notice of its entry
by certified MAIL RET. REC. within 30 days
of this Decision.This constitutes the Decision & Order of the

COURT

9/21/11

Date

Civil Court
of the
City of New York

SEP 21 2011

Judge, Civil Court

ENTERED
BRONX COUNTY

Page 43

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Index No. 42539/11
File 14033

Plaintiff,

-against-

AFFIDAVIT OF
INVESTIGATOR

MILLINGTON ROSEMARY,
[REDACTED] 0519

Defendant(s).
-----X

STATE OF NEW YORK)
)SS.:
COUNTY OF WESTCHESTER)

I am over 18 years of age, am not a party to this action and reside in Westchester County,
State of New York.

I have been requested by Kavulich & Associates, P.C. attorney's for the Plaintiff to make
an investigation to ascertain if the Defendant Millington, Rosemary, is at the present
time in military service for the purpose of entry of judgment.

On September 22, 2011, I Denise Miranda, contacted the Defense manpower Data Center
concerning the Defendant Millington Rosemary's military status.

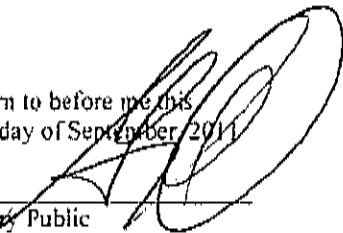
I inputted the Defendant's name and social security number, as provided by the Defendant
him/herself, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense
Manpower Data Center stating that the said Defendant is not currently in the military
service of the United States and the State of New York (National Guard).



Denise Miranda

Sworn to before me this
22nd day of September 2011



Notary Public

Gary Kavulich
Notary Public- State of New York
No. 02KA6205615
Qualified in Westchester County
My Commission Expires 05/11/2013

Department of Defense Manpower Data Center

Sep-22-2011 12:20:10



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ROSEMARY	MILLINGTON	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defense link.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

Department of Defense Manpower Data Center

Sep-22-2011 12:20:29



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MILLINGTON	ROSEMARY	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

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If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

...
indica

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:Q3V5OJSBNE

dexte

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

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Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:AL6B0CTOEA

Order to

OVIA.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

-against-

MILLINGTON ROSEMARY,

Defendant(s).

-----X

INDEX NO. 42539:11
FILE NO. 14033

NOTICE OF ENTRY

PLEASE TAKE NOTICE, that annexed hereto is the Decision and Order duly

Entered in the office of the Clerk of the Court on the 21st day of September, 2011

Dated: Westchester, NY
September 23, 2011

Yours, etc.,

Kavulich & Associates, PC
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573

To: Millington Rosemary
532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

1.

Civil Court of the City of New York

County of BRONXPart 34, No. 11NEWICK EDELSTEINClaimant(s)/Plaintiff(s)/Petitioner(s)
againstMILINGTON ROSEMARY
Re: Defendant(s)/Respondent(s)Index Number 42534/11

Motion Cal. # _____ Motion Seq. # _____

DECISION/ORDER

Recitation, as required by CPLR §2219 (e), of the papers

considered in the review of this Motion

File #
14033

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed	_____
Answering Affidavits	_____
Replying Affidavits.....	_____
Exhibits	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion is FOR DEFAULTJudgment.

is as follows:

Mainiffs motion is granted upon Defendants default.Plaintiff is awarded a judgment in the amount of \$1,475⁰⁰ plus costs, Fees, disbursements & interest from January 31, 2007.The Clerk of the Court is directed to enter judgment in said amount.Plaintiff shall file & serve upon Defendant a copy of THIS DECISION & notice of its entry by certified MAIL, RETURNED WITHIN 30 days of this decision.This constitutes the Decision & Order of the

COURT

9/21/11

Date

Civil Court
of the
City of New York

SEP 21 2011

ENTERED
BRONX COUNTYJudge, Civil Court 13HON. DOMINIC TABIA

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Index No. 42539/11
File No. 14033

-----X
NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN & LEVENTHAL, P.C.,
Plaintiff,

AFFIDAVIT OF SERVICE
BY MAIL.

-against-

MILLINGTON ROSEMARY,

Defendant.
-----X

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss:

Denise Miranda being duly sworn, deposes and says:

I am over 18 years of age and not a party to this action. On September 23, 2011

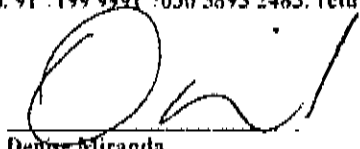
I served the within Notice of Entry on the defendant in this action, by depositing
a true copy of the Notice of Entry in a postpaid envelope addressed to:

Millington Rosemary
532 Morris Park Avenue, Apt. 2
Bronx, NY 10460

in an official depository under the exclusive care and custody of the United States Postal Service,
within the State of New York via Certified mail no. 91 7199 9991 7030 5893 2483, return receipt
requested.

Sworn to before me
this 23rd day of September, 2011

Notary Public


Denise Miranda

GARY KAVLEICH
NOTARY PUBLIC-STATE OF NEW YORK
NO: 02836205615
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 5/11/2013

INDEX NO. 4539 YEAR 2011
CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

NOVICK, EDELSHILN, L. FLE RHEISMAN,
WASSERMAN & EVENTUAL, P.C.
Plaintiff

-against-

MILITATION REUNION

Defendants)

NOTICE OF ENTRY

Signature of Plaintiff
Gary Kavulich, Esq.

Kavulich & Associates, P.C.
Attorney for Plaintiff
Office and Post Office Address, Telephone
181 Westchester Avenue, Suite 506C
Port Chester, NY 10573
914-355-2074

To

Attorneys for

Service of a copy of the within is hereby admitted
Dated

Attorneys for

NOTICE OF ENTRY

PLEASE take notice that the within is a
certified true copy of a
copy entered in the Office of the clerk of
the within named court on

Dated

Attorneys for
Office and Post Office Address

To

Attorneys for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented
for settlement to the Hon
one of the judges of the within named court at

on
at
Dated

Yours, etc.

Attorneys for
Office and Post Office Address

cc
Attorneys for

State of New York, County of Bronx
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

Plaintiff(s)

-against-
Millington Rosemary

Defendant(s)

SUBPOENA TO TESTIFY

Requested by:
Millington Rosemary
532 Morris Park Avenue
Apt 2
Bronx, NY 10460

THE PEOPLE OF THE STATE OF NEW YORK

To: **MARBLE GARCIA**

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at **851 Grand Concourse, Bronx, NY 10451 June 4, 2013 in Part 11 - Self Represented Non-Jury 503** at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of **Millington Rosemary**.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: April 30, 2013



CHIEF CLERK
Carol Alt
Chief Clerk

If required, So Ordered:

Judge of the Civil Court of the City of New York

CIVIL COURT OF THE CITY OF NEW YORK
County of BRONX Part 34

Index No. 42539/11

Novick Edelstein et al
Plaintiff(s),

Rosemary Mullington
-against-
Defendant(s).

**STIPULATION
OF SETTLEMENT**

Civil Court
of the
City of New York
FEB 26 2013
**ENTERED
BRONX COUNTY**

It is hereby stipulated and agreed by and between the parties that the above-referenced
action is settled as follows:

① Defendant's motion is granted to the extent
that the judgment and all execution measures
are vacated.

② Defendant's Proposed Answer, as attached to
her motion, is hereby deemed served and
filed.

The Clerk shall place this matter on the
appropriate calendar. *Defendant's address is 1693
Watson Ave., Pt. Bronx, NY 10472

[Signature]
Signature Plaintiff's Attorney Date 2/26/13

[Signature]
Signature Rosemary Mullington Date 2/26/13

Signature _____ Date _____

Signature _____ Date _____

On March 19

3/16/13
sounded
2-26-13
[initials]

Appearances are Mandatory

Part of the City of New York
City of Bronx Part 39

Index Number: CV-042539-11/BX



Novick, Edelstein, Lubell, Reisman, Wasserman &
Leventhal, P.C.

-against-
Millington Rosemary

34. (4A)

ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any
judgment, liens and income executions on this
defendant on this Index number,
allow proposed answer or dismissing the action

UPON the annexed affidavit of Millington Rosemary, sworn to on February 11, 2013, and upon all papers and
proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court
851 Grand Concourse
Bronx, NY 10451
Part 34C Room 504

on FEBRUARY 26 2013 at 9:30 AM
or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the
calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and
further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the
part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of
the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by "In Hand Delivery"
X by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by "In Hand Delivery"
X by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

on or before FEBRUARY 15th 2013, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part
indicated above on the return date of this Order to Show Cause.

Mail to Attorney:
Kavulich & Associates PC
(Counsel for Pltf),
at 181 Westchester Avenue,
Suite 500C,
Port Chester, NY 10573

Sheriff/Marshal:
NYC Marshal
Biegel, Stephen, Marshal
109 W 38 Street
Suite 200
New York, NY 10018-3615

February 11, 2013

DATE

Hon. David B. Cohen, Civil Court Judge (NYC)

MGAB
2013-2613

City of New York, County of Bronx

Index # CV-042539-11/BX

Edelstein, Lubell, Reisman, Wasserman &
Lubthal, P.C.-against-
Millington RosemaryAffidavit in support of an order to show cause to
restore case to the calendar, vacate any judgment,
liens and income executions on this defendant on
this Index number,
allow proposed answer or dismissing the action

State of New York, County of New York:

Millington Rosemary, being duly sworn, deposes and says:

(Defendant's initials)

R.M. 1. a) I am the Party named as (Defendant) (Respondent) in the above titled action

2. a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]

R.M. b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,
skip #3, #4, #5, and go to #6]

a Notice of Default Judgment mailed to me

a Restraining Notice on my bank account.

a copy of an Income Execution served on

Other: pay has been garnished from last 2 pay periods with marshal's notice dated 8/27/12

3. a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete #3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

and I received a date for trial.

but the answer was entered late

Other:

4. On the Date of Trial before Judge/Arbitrator

a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

a judgment was entered after the trial.

a judgment was entered against me by default for my failure to appear.

Other:

5. My reason for not

complying with the stipulation is

following the order of the Court is

appearing in court on the date scheduled for trial is

Other:

6. I allege that I have a good defense because:

7. a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application
because:8. I request that the Judgment be vacated, that the case be restored to the calendar and that the answer be deemed
timely filed.

Sworn to before me this day February 11, 2013

Signature of Court Employee and Title

(Sign Name)

Millington Rosemary

532 Morris Park Avenue

Apt 2

Bronx, NY 10460

CONSUMER CREDIT TRANSACTION
ACTION FOR MONEY ONLY

Defendant, **Millington Rosemary**, at 532 Morris Park Avenue, Apt 2, Bronx, NY 10460 answers the Complaint as follows:

Check all that apply)

1 ☒ General Denial: I deny the allegations in the complaint

SERVICE

2 ☒ I did not receive a copy of the summons and complaint

3 ☐ I received the Summons and Complaint, but service was not correct as required by law

DEFENSES

4 ☒ I do not owe this debt

5 ☒ I did not incur this debt. I am the victim of identity theft or mistaken identity.

6 ☐ I have paid all or part of the alleged debt.

7 ☐ I dispute the amount of the debt.

8 ☒ I do not have a business relationship with Plaintiff. (Plaintiff lacks standing.)

9 ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect a debt.

10 ☐ Plaintiff does not allege a debt collection license number in the Complaint.

11 ☐ Statute of Limitations (the time has passed to sue on this debt: more than six years.)

12 ☐ The debt has been discharged in bankruptcy.

13 ☐ The collateral (property) was not sold at a commercially reasonable price.

14 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)

15 ☐ Violation of the duty of good faith and fair dealing.

16 ☐ Unconscionability (the contract is unfair.)

17 ☐ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

18 ☐ Defendant is in the military.

19 ☐ Other: *I don't know the plaintiff and I don't reside at this address*

OTHER *I own my own home and am not a tenant.*

20 Please take notice that my only source of income is _____, which is exempt from collection.

COUNTERCLAIM

21 Counterclaim(s):\$ _____ Reason: _____

VERIFICATION-

State of New York, County of **Bronx** ss:

Millington Rosemary, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Writing Consumer Credit Transaction and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true

Sworn to before me this FEB 11 2013 day of 20
ASST

X Millington
Defendant

CV 042539 -11

Civil Court of the City of New York

CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman,
Wasserman & Leventhal, P.C.

-against-

Millington Rosemary

Comments	Notes
4/30/2013 - ADJ	12/2/13 - discontinued w/o prejudice
4-30-13 - MAILED OFF BY DISCONTINUED	by IT's attorney
6/4/13 Trial	12-2-13
HON. JOSEPH CAPELLA	JOSEPH CAPELLA JR.
Adj to 7/16/13 @ 9:30am. Trial	
IT's counsel reports adj. must as trial resumed	
immediately due to surgery. A warrant subpoena for	
either side. Counsel she returned - with the IT.	
9/25/13 per trial	
12/2/13 Trial 9:30	

FELONY WARNING:

A person who willfully and unlawfully removes, mutilates, destroys, conceals or obliterates a record of this office is subject to punishment by imprisonment for five years (Penal Law § 175.15)